

Superfund Records Center  
SITE: WELLS G&H 002  
BREAK: 11.9  
OTHER: 564064

**MCNAIR**  
ATTORNEYS

August 28, 2014

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VIA E-MAIL (Scott.susan@Epa.gov)  
AND U.S. MAIL

Susan Scott Esquire  
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Protection Agency, Region 1  
5 Post Office Square  
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Boston, Massachusetts 02109-3912

Re: Notice of Potential Liability

Dear Ms. Scott:

Thank you for your letter of August 8, 2014 ("August Letter") responding to our questions of July 17, 2014. As you may recall, we represent Goulston Technologies, Inc. ("Goulston") at the W & H Wells Superfund Site, Southwest Properties ("Site"). We are writing to request further clarification of your August Letter.

In response to our first question, the August Letter states EPA does not have additional details on the nine deposit slips between Goulston and the Site. Our records confirm the documents evidence payments by Goulston for the purchase of containers from the Site, not shipment of containers to the Site. See, SDMS 482849. Accordingly, the documentation is not evidence Goulston arranged for treatment or disposal of hazardous substances at the Site. § 107(a)(3) CERCLA, 42 U.S.C.A. § 9607(a)(3).

Our second and third questions raise a similar concern. The Evidence Summary does not identify specific hazardous substances generated in Goulston operations and known to have been sent to the Site. Can EPA identify those specific hazardous substances in the Goulston processes believed shipped or received by the Site? The reference to SDMS No. 457989 does not support a claim hazardous substances were transported to the Site by Goulston.

1. The chemicals detected at the Site do not include hazardous substances known to be present in Goulston operations during the relevant time period;

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2. The EPA description of "Historic Operations" at Goulston is not accurate, because Goulston was not involved in "textile manufacturing" at its Scituate, Massachusetts, facility as claimed. The company mixed lubricants for the textile industry. As you know, "mineral oils" are not subject to corrective action under CERCLA because they fall within the "petroleum exemption" to the statutes, § 101(14) CERCLA, 42 U.S.C.A. § 9601(14), and "surfactants" used at Goulston do not contain listed "hazardous substances," 40 CFR 302.4, Table 302.4. SDMS No. 457989, p. 4.

Can EPA provide any other documentation indicating Goulston may have arranged for treatment or disposal of hazardous substances now present in the environment at the Site?

We appreciate your patience as Goulston works to better understand claims by EPA against the company. If no further information can be provided, please remove Goulston from the list of the Site's potentially responsible parties (PRPs).

Sincerely,

MCNAIR LAW FIRM, P.A.  
ENVIRONMENTAL REGULATORY  
PRACTICE GROUP



Ethan R. Ware

ERW:df

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